

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Bowran *et al.* Confirmation No.: 7230
Appl. No.: 10/520,738
Filed: September 19, 2005
For: WHEAT PLANTS HAVING INCREASED RESISTANCE TO
IMIDAZOLINONE HERBICIDES

STATEMENT MADE IN SUPPORT OF A BIOLOGICAL DEPOSIT
UNDER 37 C.F.R. §1.802

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned, David M. Saravitz, declares and states,

1. That he has full and express authority to represent the Department of Agriculture Western Australia, South Perth, Australia, Assignee of Application No. 60/394,991, by assignment recorded in the United States Patent and Trademark Office on July 28, 2003, at Reel 014319 and Frame 0674.
2. That he has read and understands the above-captioned U.S. Patent Application Number 10/520,738, filed September 19, 2005, for "WHEAT PLANTS HAVING INCREASED RESISTANCE TO IMIDAZOLINONE HERBICIDES".
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

<u>Biological Material</u>	<u>Deposit Designation</u>	<u>Date of Deposit</u>
Seeds of Brookton IMI BR-8 wheat (<i>Triticum aestivum</i>) plants	PTA-4256	May 1, 2002
Seeds of Krichauff IMI K-42 wheat (<i>Triticum aestivum</i>) plants	PTA-4257	May 1, 2002

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4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.

5. That the Assignee hereby provides assurance that it will:

- a. During the pendency of the patent application, allow access to the deposited biological material listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
- b. Replace the deposited biological material should it die or be destroyed:
 - (1) During the enforceable life of any patent issued out of the above-identified patent application,
 - (2) For five years after the last request for a sample of the deposited biological material, and
 - (3) For thirty years;
- c. Upon issuance of a patent, irrevocably remove all restrictions of access to the biological material for the duration of the deposit; and
- d. Pay the maintenance charges for the duration of the deposit.

6. That all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Department of Agriculture Western Australia,, South Perth, Australia

By: /david m. saravitz/
David M. Saravitz
Registration No. 55,593

Date: June 12, 2008

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